IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

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WRIT PETITION Nos. 21197 OF 1994, 21199 OF 1994, 21204 OF 1994, 21207 OF 1994 AND 1582 OF 1995

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WRIT PETITION NO : 21197 of 1994

Between:

1 "SAKTI", a voluntary Social Organisation for the upliftment of Tribal people,(Regd.No.76/85), Rampachodavaram, East Godavari District, rep. by its Director Dr. P.Siva Rama Krishna.
2 Keram Papadu, S/o. Somayya, R/o. Manchulavarigudem, Buttayagudem Mandal, W.G.District.

..... PETITIONERS

AND

1 State of Andhra Pradesh, rep.by its Secretary to Government, Irrigation & Command Area Development Department A.P. Secretariat Buildings, Hyderabad.
2 The District Collector, West Godavari District, Eluru.
3 The Executive Engineer, Godavari Sub-Division, Eluru.
4 Land Acquisition Officer & Special Tahasildar, (LA), Unit-IV, Jangareddigudem, W.G. District. (Dismissed for default vide Court order dated.15.12.1999)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to pay the balance amount of compensation under the provisions of the Land Acquisition Act to the affected ryots of Manchulavarigudem of Buttayagudem Mandal, West Godavari Dist. under Award No.26/89 dated 27.10.1989 through Project Officer, Integrated Tribal Development

Agency, Kota Ramachandrapuram, West Godavari District within a period of three months.

Counsel for the Petitioners: MR.A.RAMALINGESWAR RAO

Counsel for the Respondents 1 to 4 : GP FOR LAND ACQUISITION

WRIT PETITION NO : 21199 of 1994

Between:

1 'SAKTI ' a Voluntary Social Organisation for upliftment of Tribal People, rep.by its Director Dr.P.Sivaramakrishna, (Regd No.76/85), Rampachodavaram, East Godavari Dist.
2 Madakam Siramayya, S/o. late Gangulu, R/o. Rachuru, Buttayagudem (M), West Godavari Dist.

..... PETITIONERS

AND

1 State of Andhra Pradesh, rep.by the Secretary to Government, Irrigation & Command Area Development Department, A.P, Secretariat Buildings, Hyderabad.
2 The District Collector , West Godavari Dist., Eluru.
3 The Executive Engineer, Godavari Sub-Division, Eluru.
4 Land Acquisition Officer & Special Tahsildar (LA), Unit -IV, Jangareddigudem, W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ , order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to pay the balance amount of compensation under the provisions of the Land Acquisition Act to the affected ryots of Rachuru(V), Buttayegudem (M), West Godavari Dist., under Award No.9/90 dated 12.4.1990 throuth the Project officer, Integrated Tribal Development Agency, Kotaramchandrapuram, West Godavari, within a period of three months.

Counsel for the Petitioners: MR.A.RAMALINGESWAR RAO

Counsel for the Respondents 1 to 4: G.P. Land Acquisition.

WRIT PETITION NO : 21204 of 1994

Between:

1. "SAKTI", a Voluntary Social Organisation for the upliftment of Tribal people rep. by Director Dr.P. Sivaramakrishna
Rampachodavaram, East Godavari Dist.

2. Kurasam Kannayya S/o late Peda Pottayya
R/o Itukula Kunta, Buttayagudam (M),
W.G. Dist. **..... PETITIONERS**

AND

1 State of Andhra Pradesh rep. by Secretary to Govt.
Irrigation & Command Area Development Department,
A.P.Secretariat Buildings, Hyderabad
2 The District Collector, West Godavari Dist. Eluru
3 The Executive Engineeer, Godavari Sub-Division, Eluru
4 Land Acquisition Officer & Spl. Tahsildar (LA) Unit-IV, Jangareddigudem,
W.G. Dist. **.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or direction more particularly one in the nature of Writ of mandamus directing the respondents to pay the balance amount of compensation under the provisions of the Land Acquisition Act to the affected ryots of Itukulakunta (V), Buttayagudem (M), W.G. Dist. under Award No.1/85 dt: 20-2-1985 through Project Officer, Integrated Tribal Dev. Agency, Kota Ramachandrapuram, W.G. Dist. within a period of 3 months.

Counsel for the Petitioners: MR.A.RAMALINGESWAR RAO

Counsel for the Respondents 1 to 4 : GP FOR LAND ACQUISITION

WRIT PETITION NO : 21207 of 1994

Between:

1 'SAKTI ' a Voluntary Social Organisation for
upliftment of Tribal People, rep.by it's Director Dr.P.Sivaramkrishna,
Regd,No.76/85, Rampachcdavaram, E.G.Dist.
2 Kurasam Mukkayya, S/o. Yellaiah,
R/o.Merakagudem, Buttayagudem(M),
W.G.Dist. **..... PETITIONERS**

AND

1 State of Andhra Pradesh, rep.by the Secretary toGovernment. ,
Irrigation & Command Area Development Department,
A.P., Secretariat Buildings, Hyderabad.
2 The District Collector, West Godavari, Eluru.
3 The Executive Engineer, Godavari Sub-Division, Eluru.
4 Land Acquisition Officer & Special Tahsildal (LA), Unit-IV,
Jangareddigudem, W.G.Dist.
(Case against R4 dismissed for default vide court order dt.15.12.99).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to pay the balance amount pf compensation under the provisions of the Land Acquisition Act to the effected ryots of Merakagudem (V), Buttayagudem(M), West Godavari Dist. under Award No.36/85 dated 31.7.1985 through Project Officer, Integrated Tribal Development Agency, Kota Ramachandrapuram, West Godavari Dist., with in a period of three months.

Counsel for the Petitioners: MR.A.RAMALINGESWAR RAO

Counsel for the Respondents 1 to 3: G.P. for Land Acquisition

WRIT PETITION NO : 1582 of 1995

Between:

1 "SAKTI" a voluntary Social Organisation for
upliftment of Tribal People (Regd.No.76/85)
rep.by it's Director Dr.P. Sivaramakrishna,
Rampachodavaram, E.G.Dist.

2 Vanjam Durga Rao, S/o. Rajulu,
R/o. Dibbagudem, Jeelugumilli (M), W.G.Dist.

..... PETITIONERS

AND

1 State of Andhra Pradesh, rep. by its Secretary to Govt.,
Irrigation& Command Area Dept.,
Secretariat Buildings, Hyderabad.
2 The Dist. Collector, W.G.Dist., Eluru.

3 The Executive Engineer, Godavari Sub-Division,
Eluru, W.G.Dist.
4 Land Acquisition Officer & special Tahsildar (LA), Unit -IV,
Jangareddigudem, W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to pay the balance amount of compensation under the provisions of the land Acquisition act to the affected ryots of Dibbagudem (V), Jeelugumilli (M), West Godavari Dist under Award No. 33/89 dated 4.12.1989 through Project Officer, Integrated Tribal development Agency, Kota Ramachandrapuram,West Godavari Dist within a period of three months.

Counsel for the Petitioners: MR.S.VENKATESAM

Counsel for the Respondents 1 to 4: GP FOR LAND ACQUISITION

This court made the following :

C O M M O N O R D E R :

These Writ Petitions were filed in public interest for the benefit of tribals who were the affected ryots of various different villages in the West Godavari District pointing out that their lands were acquired for public purpose, but, they were not paid the amount of compensation as per the award and no steps have been taken by the respondents to ensure deposit of the awarded amount.

Considering the nature of Writ Petitions and in the interest of tribal people whose grievance was that even the awarded amount of compensation had not been paid to them, notices were directed to be issued. The Special Tahsildar, Unit No.IV, Jangareddigudem has filed affidavit in reply in one case pointing out that amount of compensation was paid to the affected persons, who received the

same without protest, and as advance possession of the lands was taken, interest was paid to them. It is further stated that entire compensation was paid to the various claimants and a calculation sheet is also attached to the affidavit stating that the Writ Petition is filed by a voluntary social organisation without ascertaining the correct facts.

In view of the disputed facts, in such like petitions where the respondents claim that full amount of compensation has been paid and the stand of voluntary organization is that full amount of compensation is not paid to the claimants, I am of the view that no further directions in these Public Interest Litigations can be issued, except reserving liberty to those individual persons interested to take out appropriate proceedings before the competent authority according to law for recovery of the balance amount of compensation, if any, standing in their name. In case such applications are made to the concerned authority along with a copy of this order, the said authority will ensure that in case amount of compensation is still payable to them, the payment is made promptly without any delay within a period of two months from the date of such representation from the individuals.

Ordered accordingly. The Writ Petitions are closed. No costs.

15.07.2004

Copy to:

1) Secretary to Government,

Irrigation & Command Area Development Department,
State of Andhra Pradesh, A.P. Secretariat
Buildings, Hyderabad.
2) The District Collector, West Godavari District, Eluru.
3) The Executive Engineer, Godavari Sub-Division, Eluru.
4) Land Acquisition Officer & Special Tahasildar, (LA), Unit-IV,
Jangareddigudem, W.G. District.

5) Two CCs to the G.P. for Land Acquisition, High Court buildings, High Court of A.P., Hyderabad (o.u.t.)

6) Two CD copies.

PNB/DRK